

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0251-MWD-E TCEQ ID: RN101920759 CASE NO.: 35376
RESPONDENT NAME: City of Roxton

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Roxton WWTP, located approximately 2,400 feet southeast of the intersection of Farm-to-Market Road 137 and Chaparral Railroad on the north side of Denton Creek and on the south side of Roxton, Lamar County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable James Cooper, Mayor, City of Roxton, P.O. Box 176, Roxton, Texas 75477 Ms. Janet Wheeler, City Secretary, City of Roxton, P.O. Box 176, Roxton, Texas 75477 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: January 11, 2008</p> <p>Date of NOE Relating to this Case: February 1, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limitations for dissolved oxygen, five-day biochemical oxygen demand, pH, and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010204001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6].</p> <p>2) Failure to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Pathogen Density Data for Land Application ("SSLY") and the Surface Disposal ("SLSA") portions of the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010204001, Sludge Provisions].</p> <p>3) Failure to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2007 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010204001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$12,595</p> <p>Total Deferred: \$2,519 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to (Due) General Revenue: \$1,326 (remaining \$8,750 due in 35 monthly payments of \$250 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit the SSly and SLSA portions of the annual sludge report for the monitoring period ending July 31, 2007; and</p> <p>ii. Submit the DMR for the monitoring period ending September 30, 2007.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a.;</p> <p>c) Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010204001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations; and</p> <p>d) The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and c.</p>

Additional ID No(s): WQ0010204001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

TCEQ

DATES

Assigned
PCW4-Feb-2008
11-Feb-2008

Screening

11-Feb-2008

EPA Due

RESPONDENT/FACILITY INFORMATION

 Respondent City of Roxton
 Reg. Ent. Ref. No. RN101920759
 Facility/Site Region 5-Tyler

Major/Minor Source Minor

CASE INFORMATION

 Enf./Case ID No. 35376
 Docket No. 2008-0251-MWD-E
 Media Program(s) Water Quality
 Multi-Media

 No. of Violations 3
 Order Type 1660
 Enf. Coordinator Lauren Smitherman
 EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$5,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 144% Enhancement Subtotals 2, 3, & 7 \$7,920

Notes

The penalty is enhanced due to 28 self-reported monthly effluent violations, and two NOV's with unrelated violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

 Total EB Amounts \$882
 Approx. Cost of Compliance \$6,125

 0% Enhancement*
 *Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$13,420

OTHER FACTORS AS JUSTICE MAY REQUIRE

-6%

Adjustment -\$825

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommend reduction in the penalty so that monthly self-reported violations do not overly-impact the penalty amount

Final Penalty Amount \$12,595

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$12,595

DEFERRAL

20%

Reduction

Adjustment -\$2,519

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement

PAYABLE PENALTY

\$10,076

Screening Date 11-Feb-2008

Docket No: 2008-0251-MWD-E

PCW

Respondent City of Roxton

Policy Revision 2 (September 2002)

Case ID No. 35376

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101920759

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component Number of...

Enter Number Here

Adjust.

NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	28	140%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 144%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to 28 self-reported monthly effluent violations, and two NOVs with unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 144%

Screening Date 11-Feb-2008

Docket No. 2008-0251-MWD-E

PCW

Respondent City of Roxton

Policy Revision 2 (September 2002)

Case ID No. 35376

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101920759

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010204001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6

Violation Description Failed to comply with the permitted effluent limitations, as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen, total suspended solids, and pH were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

244 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$876

Violation Final Penalty Total \$9,160

This violation Final Assessed Penalty (adjusted for limits) \$9,160

Economic Benefit Worksheet**Respondent** City of Roxton**Case ID No.** 35376**Reg. Ent. Reference No.** RN101920759**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$6,000	1-Oct-2006	31-Oct-2008	2.1	\$42	\$834	\$876
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace the clarifier sludge pump and install new aerator pump motors. Date required is the first noncompliant month. Final date is the expected date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$6,000****TOTAL****\$876**

Screening Date 11-Feb-2008

Docket No. 2008-0251-MWD-E

PCW

Respondent City of Roxton

Policy Revision 2 (September 2002)

Case ID No. 35376

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101920759

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010204001, Sludge Provisions

Violation Description

Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Pathogen Density Data for Land Application ("SSLY") and the Surface Disposal ("SLSA") portions of the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

At least 30% but less than 70% of the permit requirement was met.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

163 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended based upon the record review date (January 11, 2008).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,145

This violation Final Assessed Penalty (adjusted for limits) \$1,145

Economic Benefit Worksheet

Respondent City of Roxton
 Case ID No. 35376
 Reg. Ent. Reference No. RN101920759
 Media Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2007	31-Aug-2008	1.0	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to prepare and submit a complete annual sludge report. Date required is the date the report was due. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 11-Feb-2008

Docket No. 2008-0251-MWD-E

PCW

Respondent City of Roxton

Policy Revision 2 (September 2002)

Case ID No. 35376

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101920759

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010204001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

114 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,290

This violation Final Assessed Penalty (adjusted for limits) \$2,290

Economic Benefit Worksheet

Respondent City of Roxton
Case ID No. 35376
Reg. Ent. Reference No. RN101920759
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$25	20-Oct-2007	31-Aug-2008	0.9	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit the monthly DMR. Date required is the date the DMR was due. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

EFFLUENT VIOLATION TABLE

City of Roxton

TPDES Permit No. WQ0010204001

Docket No. 2008-0251-MWD-E

	DO Monthly Min.	BOD₅ Daily Avg. Conc.	BOD₅ Max. Single Grab	pH Monthly Min.	TSS Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Max. Single Grab
Months	Limit = 4.0 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 6.0 SU	Limit = 17 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L
10/31/2006	1.1	41.80	125.0	c	c	37.62	68.0
11/30/2006	c	c	c	c	c	29.37	83.3
12/31/2006	c	26.50	c	3.8	c	50.55	76.0
2/28/2007	c	c	c	c	c	28.40	c
3/31/2007	c	c	c	5.8	c	c	c
5/31/2007	3.3	c	c	c	c	c	c
7/31/2007	c	c	c	c	32.7	25.95	c
8/31/2007	3.5	28.78	c	c	c	42.88	c

DO = dissolved oxygen

BOD₅ = biochemical oxygen demand

TSS = total suspended solids

SU = standard units

avg. = average

conc. = concentration

lbs/day = pounds per day

mg/L = milligrams per liter

MGD = million gallons per day

min. = minimum

max. = maximum

c = compliant

Compliance History

Customer/Respondent/Owner-Operator:	CN600657928	City of Roxton	Classification: AVERAGE	Rating: 1.60
Regulated Entity:	RN101920759	CITY OF ROXTON WWTP	Classification: AVERAGE	Site Rating: 1.60
ID Number(s):	WASTEWATER	PERMIT	WQ0010204001	
	WASTEWATER	PERMIT	TPDES0053538	
	WASTEWATER	PERMIT	TX0053538	
	WASTEWATER LICENSING	LICENSE	WQ0010204001	
Location:	APPRX 2,400 FT SE OF THE INTX OF FM 137 AND CHAPARRAL RAILROAD ON THE N SIDE OF DENTON CREEK AND ON THE S SIDE OF THE CITY OF ROXTON, LAMAR CO, TX			Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	February 06, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 06, 2003 to February 06, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lauren Smitherman	Phone:	512-239-5223	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|-----|------------|----------|
| 1 | 03/27/2003 | (185082) |
| N/A | | |
| 2 | 03/27/2003 | (25925) |
| 3 | 05/02/2003 | (185086) |
| 4 | 05/30/2003 | (306827) |
| 5 | 06/16/2003 | (306828) |
| 6 | 08/11/2003 | (306829) |
| 7 | 09/02/2003 | (306830) |
| 8 | 10/24/2003 | (306831) |
| 9 | 12/29/2003 | (306832) |
| 10 | 12/29/2003 | (306834) |
| 11 | 02/20/2004 | (306825) |
| 12 | 02/20/2004 | (306835) |
| 13 | 03/29/2004 | (306826) |
| 14 | 04/12/2004 | (267139) |
| 15 | 06/21/2004 | (356633) |
| 16 | 07/26/2004 | (283086) |
| 17 | 08/26/2004 | (356634) |
| 18 | 12/20/2004 | (384393) |
| 19 | 02/28/2005 | (443251) |

20	02/28/2005	(443261)
21	03/31/2005	(384392)
22	04/27/2005	(443253)
23	06/09/2005	(393363)
24	07/05/2005	(443255)
25	07/05/2005	(443256)
26	07/07/2005	(443252)
27	07/07/2005	(443254)
28	07/07/2005	(443259)
29	07/19/2005	(400883)
30	09/15/2005	(443257)
31	09/15/2005	(443258)
32	09/15/2005	(443260)
33	10/28/2005	(431725)
34	12/27/2005	(473012)
35	12/27/2005	(473013)
36	03/27/2006	(473011)
37	10/09/2007	(608174)
38	10/09/2007	(608175)
39	10/09/2007	(608176)
40	10/09/2007	(608177)
41	10/09/2007	(608178)
42	10/09/2007	(608179)
43	10/09/2007	(608180)
44	10/09/2007	(608181)
45	10/09/2007	(608182)
46	10/09/2007	(608183)
47	10/09/2007	(608184)
48	10/09/2007	(608185)
49	10/09/2007	(608186)
50	10/09/2007	(608187)
51	10/09/2007	(608188)
52	10/09/2007	(608189)
53	10/09/2007	(608190)
54	10/09/2007	(608191)
55	02/01/2008	(614275)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	02/28/2003	(185082)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2003	(185086)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2003	(306827)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2003	(306828)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/31/2003	(306832)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2004	(306825)		

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/09/2004 (267139)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g)		
Description:	Failure to maintain the oxidation ditch is an operable condition.		
Date	05/31/2004 (356633)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2004 (356634)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2004 (443259)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2004 (384393)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2004 (443261)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2005 (443251)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2005 (443255)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/06/2005 (393363)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)		
Description:	Failure to report an individual effluent violation for the grab sample collected on 11/23/04 at 1240 pm.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(e)		
Description:	Failure to properly fill in the correct calculations on the monthly Discharge Monitoring Reports.		
Date	07/31/2005 (443258)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2005 (443260)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2005 (473012)		
Self Report?	YES	Classification	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2006 (608176)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2006 (608184)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2006 (608187)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2006 (608188)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006 (608189)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006 (608190)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2006 (608191)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2007 (608175)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2007 (608177)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2007 (608181)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2007 (608185)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/01/2007 (608186)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F: Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF ROXTON
RN101920759**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0251-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Roxton ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater treatment facility located approximately 2,400 feet southeast of the intersection of Farm-to-Market Road 137 and Chaparral Railroad on the north side of Denton Creek and on the south side of Roxton in Lamar County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about February 6, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Five Hundred Ninety-Five Dollars (\$12,595) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The City has paid One Thousand Three Hundred Twenty-Six Dollars (\$1,326) of the administrative penalty and Two Thousand Five Hundred Nineteen Dollars (\$2,519) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of Eight Thousand Seven Hundred Fifty Dollars (\$8,750) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Fifty Dollars (\$250) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010204001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6, as documented during a record review conducted on January 11, 2008 and shown in the following violation table:

EFFLUENT VIOLATION TABLE							
	DO Monthly Min.	BOD ₅ Daily Avg. Conc.	BOD ₅ Max. Single Grab	pH Monthly Min.	TSS Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Max. Single Grab
Months	Limit = 4.0 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 6.0 SU	Limit = 17 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L
10/31/2006	1.1	41.80	125.0	c	c	37.62	68.0
11/30/2006	c	c	c	c	c	29.37	83.3
12/31/2006	c	26.50	c	3.8	c	50.55	76.0
2/28/2007	c	c	c	c	c	28.40	c
3/31/2007	c	c	c	5.8	c	c	c
5/31/2007	3.3	c	c	c	c	c	c
7/31/2007	c	c	c	c	32.7	25.95	c
8/31/2007	3.5	28.78	c	c	c	42.88	c
DO = dissolved oxygen BOD ₅ = biochemical oxygen demand TSS = total suspended solids SU = standard units avg. = average conc. = concentration lbs/day = pounds per day mg/L = milligrams per liter MGD = million gallons per day min. = minimum max. = maximum c = compliant							

- Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010204001, Sludge Provisions, as documented during a record review conducted on January 11, 2008. Specifically, the City failed to submit the Pathogen Density Data for Land Application ("SSLY") and the Surface Disposal ("SLSA") portions of the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007.
- Failed to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010204001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on January 11, 2008.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Roxton, Docket No. 2008-0251-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order,
 - i. Submit the SSLY and SLSA portions of the annual sludge report for the monitoring period ending July 31, 2007 to the address in Ordering Provisions 2.a.ii below; and
 - ii. Submit the DMR for the monitoring period ending September 30, 2007, to:

TPDES Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a, in accordance with Ordering Provisions 2.d below;
- c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010204001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provisions 2.d below; and
- d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

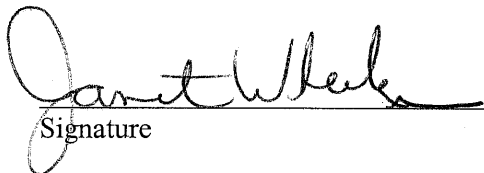
7/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-22-08
Date

Janet Wheeler

Name (Printed or typed)
Authorized Representative of
City of Roxton

City Sec.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

